

MAINE STATE LEGISLATURE

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FORTY-NINTH LEGISLATURE.

SENATE.

No. 36.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SEVENTY.

AN ACT to incorporate the Androscoggin Valley Railroad Company.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

SECTION 1. Lee Strickland, Amos D. Lockwood,
2 Jacob B. Ham, Eliphalet F. Packard, Josiah G. Co-
3 burn, Nathan W. Farwell, Abial M. Jones, Archibald
4 Wakefield, Nelson Dingley junior, John W. Perkins,
5 Sylvester Oakes, William P. Frye, Samuel R. Bearce,
6 Jeremiah Dingley junior, Jacob H. Roak, Asa Cush-
7 man, William Kilbourne, Thomas Littlefield, Enos T.
8 Luce, Daniel Holland, John M. Frye, Timothy Bailey,
9 James Munroe, Robert Martin, Eben Jordan junior,
10 James Dingley, Philo Clark, Zebulon H. Bearce, Job
11 Prince, Benjamin F. Teague, Rufus Prince, Isaac N.

12 Parker, Oren B. Cheney, James Wood, S. Soule,
13 Isaac Strickland, Hiram W. Briggs, Timothy Walker,
14 Charles A. Kimball, Alonzo Garcelon, Hiram C. Briggs,
15 John D. Hodge, Thomas J. Cox, William W. Bolster,
16 Isaac Randall, John B. Staples, Samuel Holmes, Cyrus
17 Dunn, Essee Fuller, Isaac Chase, Wallace Clark, John
18 J. Holman, Henry W. Park, John Read, Benjamin
19 Poor, George Hopkins, David F. Brown, A. K. Knapp,
20 Reuben Richmond, A. E. Houghton, A. G. Newman,
21 Charles T. Moulton, Stephen P. Adkins, Aaron Stevens,
22 Caleb Blake, James M. Demerritt, Elisha S. Wyman,
23 W. S. Chase, William S. Robinson, William V. Porter,
24 Augustus J. Knight and Oliver Newman, their asso-
25 ciates, successors and assigns, are hereby made and
26 constituted a body politic and corporate, by the name
27 of the Androscoggin Valley Railroad Company, and
28 by that name may sue and be sued, plead and be
29 impleaded, and shall be entitled to all proper remedies
30 at law or in equity to secure and protect them in the
31 exercise and use of the rights and privileges conferred
32 by this act, and in the performance of the duties herein-
33 after imposed and enjoined, and to prevent all invasion
34 thereof, or interruption in exercising and performing
35 the same, and shall be subject to all duties and liabili-
36 ties imposed upon similar corporations by the laws of
37 the state.

SECT. 2. The said corporation is hereby fully em-
2 powered to survey, locate, construct, complete, alter,
3 and keep in repair a railway with one or more tracks,
4 and all necessary buildings, tunnels, viaducts, turn-
5 outs, side tracks, culverts, bridges, trains and all other
6 needful appendages and appurtenances, from some
7 point within the limits of the cities of Lewiston or
8 Auburn; thence northerly up the valley of the Andros-
9 coggin river to some point in the towns of Rumford or
10 Peru.

SECT. 3. Said corporation is hereby invested with
2 all the powers, privileges and immunities which may
3 be necessary to carry into effect the objects and pur-
4 poses of this act; and to this end it shall have the
5 right to take or to purchase and to hold the same, so
6 much of the land and other real estate of private per-
7 sons or corporations as may be found necessary for the
8 location, construction and convenient operation of said
9 railway; and shall also have the right to take, remove
10 and use, for the construction and also for the repair of
11 said railway and its appurtenances, any earth, gravel,
12 stone, timber or other materials on or from the land so
13 taken; *provided however*, that the land so taken shall
14 not exceed six rods in width, except where greater
15 width is necessary for the purpose of excavation or
16 embankment; *and provided also*, in all cases said cor-

17 poration shall pay for such lands, estate or materials,
18 such price as they and the owner or owners thereof
19 may mutually agree upon ; and in case said parties
20 shall not agree as to the price to be paid, then the
21 said corporation shall pay in any given case such dam-
22 ages as shall be ascertained and determined by the
23 county commissioners of the several counties in which
24 such lands, estates or materials may be situated, in
25 the same manner and under the same conditions as are
26 by law provided in the case of laying out highways.
27 The lands so taken by said corporation shall be held
28 by it in like manner as lands taken and appropriated
29 for highways.

SECT. 4 No application to said county commission-
2 ers to estimate damages as provided in the preceding
3 section shall be sustained, unless made within three
4 years from the time of taking such lands and other
5 property ; and in the event that said railway shall pass
6 through any woodland or forest, said corporation shall
7 have the right to remove or fell any tree or trees
8 standing on such woodlands, or in such forest, within
9 four rods from such railway, which may be liable to
10 be blown down upon, or to fall down upon its track,
11 and thereby obstruct or impair the same, by paying
12 therefor a just and reasonable compensation in each
13 case, to be determined and recovered in the event of

14 disagreement between the parties, in the same manner
15 provided in this act for the determination and recovery
16 of other damages.

SECT. 5. The capital stock of said corporation shall
2 consist of not less than one thousand shares, of one
3 hundred dollars each par value, but the number of such
4 shares may be from time to time increased at the dis-
5 cretion of the stockholders to an amount not exceeding
6 two thousand shares. The immediate government
7 and direction of the affairs of said corporation shall be
8 vested in a board of directors to consist of not more
9 than seven members nor less than five, which members
10 shall be stockholders, and shall be chosen or appointed
11 in the manner hereinafter provided, and shall hold
12 their offices respectively until others shall be chosen
13 or appointed to take their places. A majority of said
14 board shall be a quorum for the transaction of business;
15 and they shall elect one of their number to be presi-
16 dent of the board, who shall also be president of the
17 corporation, and they shall also choose a clerk and a
18 treasurer, which latter officer shall be required to give
19 a bond to the corporation in such sum as the directors
20 may determine for the faithful discharge of his trust.

SECT. 6. The directors for the time being are hereby
2 duly authorized and empowered by themselves or their
3 agents, to exercise all the powers herein granted to

4 the corporation relating to the location, construction
5 and completion of their railway, and for the transpor-
6 tation of persons, goods and property over the same ;
7 and also all such power and authority for the manage-
8 ment of the affairs of the corporation as may be neces-
9 sary and proper to carry into effect the objects of this
10 charter. They may purchase and hold lands, mate-
11 rials, engines and cars, and other necessary things, in
12 the name of the corporation, for the use of its railway.
13 They may make from time to time such equal assess-
14 ments upon all the shares of stock in said corporation
15 as they may deem expedient and necessary as the
16 work progresses, no share, however, being liable in
17 any event to assessments amounting in the whole to
18 more than one hundred dollars. They may establish
19 rules for the government of their own proceedings, and
20 may fill any vacancy which may occur in their own
21 board subsequent to the regular annual meeting.

SECT. 7. The treasurer shall give notice in the
2 manner prescribed by the by-laws of all assessments
3 ordered by the directors, and if any stockholder shall
4 neglect for the space of thirty days after such notice
5 is given to pay any assessment on his share or shares,
6 the directors may order the treasurer to sell such share
7 or shares by public auction, to the highest bidder, after
8 giving such reasonable notice of the time and place of

9 sale as the directors may prescribe, and such share or
10 shares shall be duly transferred to the purchaser, and
11 such delinquent stockholder shall be held accountable
12 to the corporation for the balance if such share or
13 shares shall sell for a less amount than the assessments
14 due thereon with interest and costs of sale, and in
15 like manner shall be entitled to the overplus in the
16 event that the proceeds of the sale shall exceed the
17 assessments, interest and costs of sale.

SECT. 8. A toll is hereby granted and established
2 for the sole benefit of said corporation, upon all passen-
3 gers and all property of all descriptions which may be
4 conveyed or transported by them upon their railway,
5 at such rates as may be agreed upon or established
6 from time to time by the directors. The transportation
7 of persons and property, the construction of wheels,
8 the forms of cars and carriages, the weights of loads,
9 and all other matters and things relating to the con-
10 struction, running and management of said railway,
11 shall be in conformity with such regulations as the
12 directors may from time to time prescribe. The legis-
13 lature may authorize any other company to make con-
14 nection with the railway of this corporation at any
15 point on the line of its route, and no discrimination in
16 the rates of freight or passengers shall be made by
17 this corporation, nor by any party or parties who may

18 operate its line of railway or any part thereof, against
19 railroads having the right to connect with the railway
20 of this company ; but all passengers and all freight
21 coming from or going to such connecting roads shall
22 be transported promptly and at the same rates of toll
23 and freight prescribed by said corporation for trans-
24 portation commencing and terminating on its own line
25 of railway.

· SECT. 9. Said corporation shall have power to make,
2 ordain and establish all necessary by-laws and regula-
3 tions consistent with constitution and laws of this
4 state, for their own government, and for the due and
5 orderly conducting of their affairs and the management
6 of their property ; and it is also hereby empowered to
7 make connection with any other railroad or to lease
8 its line of railway, either before or after its completion,
9 to any other railroad company, upon such terms as
10 may be mutually agreed upon. And for the purpose
11 of raising money wherewith to build and equip its
12 road, or to pay debts contracted for that purpose, said
13 corporation may issue its bonds in sums not less than
14 one hundred dollars, and may secure the same by a
15 mortgage of its line of railway, and all its real and
16 personal property, the franchise included, and such
17 bonds shall be good and binding upon the corporation
18 though sold at less than par value.

SECT. 10. The annual meeting of said corporation shall be holden at such time as the by-laws shall prescribe and at such place as the directors for the time being shall appoint, at which meeting the directors shall be chosen by ballot, each stockholder by himself or by proxy, being entitled at all meetings of the corporation to as many votes as he holds shares; and the directors are hereby authorized to call special meetings of the stockholders whenever they shall deem it proper and expedient. Notice of all meetings of the stockholders shall be given in such manner as the by-laws shall require or as the directors for the time being shall order.

SECT. 11. All real estate purchased by said corporation as herein authorized, shall be taxable to said corporation in the towns in which it may be situated, in the same manner as real estate owned by private persons in the same localities, and not otherwise; and the shares owned by the respective stockholders, shall be deemed personal property, and be taxable as such to the owners thereof, in the places where they reside and have their homes.

SECT. 12. Any five of the first ten corporators named in the first section of this act, are hereby authorized to call a meeting of the corporators for the

4 purpose of accepting this act and making a preliminary
5 organization of the corporation, by giving notice in
6 the Lewiston Journal, a newspaper published at Lewis-
7 ton, of the time and place and the purposes of such
8 meeting, at least fourteen days before the time men-
9 tioned in such notice ; and at such meeting they may
10 determine when and in what manner books shall be
11 opened for subscriptions to stock, and how subsequent
12 meetings of the corporators shall be called and notified,
13 and may transact any other business which may be
14 deemed necessary in carrying forward and completing
15 the organization of the corporation. The attendance
16 of five corporators at any meeting shall constitute a
17 quorum for the transaction of business, but a less num-
18 ber may adjourn from day to day or to a time certain.

SECT. 13. If said corporation shall not be organized,
2 and the location of its line, according to actual survey
3 of the route, shall not be filed with the county com-
4 missioners of the several counties through which the
5 same shall pass, on or before the first day of March,
6 in the year of our Lord one thousand eight hundred
7 and seventy-one, or if the said corporation shall fail
8 to complete said railway on or before the first day of
9 March, in the year of our Lord eighteen hundred and
10 seventy-five, then in either of the above mentioned
11 cases, this act shall be null and void.

SECT. 14. The legislature shall at all times have
2 the right to inquire into the manner in which the
3 privileges and franchises herein and hereby granted,
4 may have been used and employed by said corporation,
5 and to correct and prevent all abuses of the same, and
6 to pass any laws imposing fines and penalties upon said
7 corporation which may be necessary, more effectually
8 to compel a compliance with the provisions, liabilities
9 and duties herein set forth and enjoined, and subject
10 to the general laws regulating railroads now upon the
11 statute book, or which may hereafter be passed by the
12 legislature of this state.

SECT. 15. This act shall take effect when approved.

STATE OF MAINE.

IN SENATE, February 24, 1870.

Reported from the Committee on Railroads, Ways and Bridges,
by Mr. CUSHING of Waldo, and on his motion laid on the table
and ordered to be printed.

SAMUEL W. LANE, *Secretary.*